

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of TERAL ROBERT DEAN, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VERA LYNN OLAH,

Respondent-Appellant,

and

KEITH DEAN,

Respondent.

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In the Matter of HANNAH LYNN OLAH, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VERA LYNN OLAH,

Respondent-Appellant,

and

LARRY MICHAEL SHIPMAN,

Respondent.

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In the Matter of CASSIDY JEAN OLAH, Minor.

UNPUBLISHED  
December 11, 2008

No. 285551  
Kent Circuit Court  
Family Division  
LC No. 06-054687-NA

No. 285552  
Kent Circuit Court  
Family Division  
LC No. 06-054688-NA

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

VERA LYNN OLAH,

Respondent-Appellant,

and

LARRY MICHAEL SHIPMAN,

Respondent.

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No. 285553  
Kent Circuit Court  
Family Division  
LC No. 06-054689-NA

Before: Hoekstra, P.J., and Bandstra and Donofrio, JJ.

PER CURIUM.

In these consolidated appeals, respondent Vera Olah appeals as of right the trial court's orders terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The children were made temporary wards of the court in October 2006, after respondent's youngest child was treated for a spiral fracture of the tibia and it was discovered that the child had an older wrist fracture that was never treated. The child had been residing with her father, but respondent was also caring for the child. Neither parent offered a plausible explanation for the child's injuries. Both parents also tested positive for marijuana. Respondent's two older children were removed two months later because of respondent's continued marijuana use. The children remained in foster care for the next 16 months during which services were offered to respondent under a parent-agency agreement.

On appeal, respondent argues that she adequately addressed the requirements of her treatment plan and, therefore, the trial court erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We disagree.

The petitioner has the burden of proving a statutory ground for termination by clear and convincing evidence. MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). We review the trial court's findings of fact for clear error. MCR 3.977(J). A finding of fact is clearly erroneous if this Court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Deference must be accorded to the trial court's assessment of the credibility of the witnesses who appear before it. *In re Newman*, 189 Mich App 61, 65; 472 NW2d 38 (1991).

A parent's failure to comply with a parent-agency agreement is evidence of the parent's failure to provide proper care and custody of the child. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). Conversely, a parent's compliance with a parent-agency agreement is evidence of her ability to provide proper care and custody. *Id.* In this case, the trial court found that respondent failed to satisfy many of the requirements of her treatment plan, despite receiving services for more than 16 months.

Although respondent emphasizes that she was not referred for parenting classes, that a psychological evaluation did not identify any major concerns, and that her visits with the children were generally appropriate, respondent's parenting abilities were not a principal concern. Instead, the focus of the treatment plan was respondent's substance abuse and ability to provide a safe home for the children. Respondent had a history of substance abuse and domestic abuse. She failed to make sufficient progress in addressing either of these issues, and she was not honest about her progress. Respondent initially made progress in abstaining from drugs, but subsequently relapsed. She also failed to complete a domestic violence program. In addition, respondent failed to develop an acceptable support system and instead continued to rely on her mother, who had her own problems with drug abuse and was a trigger for respondent's substance abuse. Further, although respondent had housing, she was not able to afford her rent, fell substantially behind on her payments, and was subject to eviction. Considering respondent's failure to make significant progress with the most critical aspects of her treatment plan, the trial court did not clearly err in finding that §§ 19b(3)(c)(i) and (g) were both established by clear and convincing evidence.

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(3)(5); *In re Trejo, supra* at 354. Even though respondent may have had a bond with her children, the evidence did not clearly show that this bond outweighed their need for permanency. Thus, the trial court did not clearly err in terminating respondent's parental rights to the children. *Id.* at 356.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Richard A. Bandstra  
/s/ Pat M. Donofrio